

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

IN RE PAYMENT CARD
INTERCHANGE FEE MERCHANT
DISCOUNT ANTITRUST LITIGATION

Request for Ruling

This document refers to:

Civil Action No. 1:05-md-1720 (MKB) (JO)

***Luby's FuDDRuckers Restaurants, LLC v.
Visa Inc. et al*, 1:17-cv-04555-MKB- JO**

**PLAINTIFF LUBY'S FUDDRUCKERS RESTAURANTS, LLC'S
REQUEST FOR RULING ON MOTION TO REMAND**

Plaintiff Luby's FuDDRuckers Restaurants, LLC ("Luby's") files this Request for Ruling on its Motion to Remand as follows:

Luby's originally filed *Luby's FuDDRuckers Restaurants, LLC v. Visa Inc. et al*, 1:17-cv-04555-MKB- JO in Texas state court on February 17, 2017. Defendants removed the suit to the Southern District of Texas United States District Court on April 5, 2017 (Case 04555 / Doc. 1). Luby's filed a Motion to Remand on April 7, 2017 (Case 04555 / Doc. 6), Defendants filed a Response on April 28, 2017 (Case 04555 / Doc. 54 at Ex. 1), and Luby's filed a Reply on May 8, 2017 (Case 04555 / Doc. 57). The Judicial Panel on Multidistrict Litigation transferred the suit from the Southern District of Texas United States District Court to this Court on August 3, 2017. (Case 04555 / Doc. 70) (MDL-1720 / Doc. 7028).

Luby's filed a letter notifying the Court of the Motion to Remand and offering to provide further briefing or oral argument on August 14, 2017 (Case 01720 / Doc. 7038). The parties also filed a joint status report on August 21, 2017 (Case 01720 / Doc. 7048), identifying the Motion to Remand Court as pending. Magistrate Judge Orenstein held a status conference on August 24, 2017 and invited the parties to present oral argument regarding the Motion to Remand at that hearing. Luby's counsel announced ready to proceed but counsel for the Defendants requested a

continuance to present oral argument, which Luby's did not oppose, and the Court permitted. Magistrate Judge Orenstein heard oral argument on the Motion to Remand on October 19, 2017 and strongly indicated at the hearing that he was inclined to deny the Motion to Remand. The parties provided a joint status report on January 17, 2018 (Case 01720 / Doc. 7141), identifying the Motion to Remand as pending and ready for ruling.

Luby's respectfully requests a ruling on the Motion to Remand. (Case 04555 / Doc. 6).

Respectfully submitted,

By: /s/ David E. Wynne

David E. Wynne
Federal Bar No. 566468
Texas State Bar No. 24047150
Scott G. Burdine
Federal Bar No. 10148
Texas State Bar No. 03368900
dwynne@burdinewynne.com
sburdine@burdinewynne.com

BURDINE WYNNE LLP
1415 Louisiana, Suite 3900
Wedge International Tower
Houston, TX 77002
(713) 227-8835 (Telephone)
(713) 227-6205 (Facsimile)

***Counsel for Plaintiff,
Luby's Fuddruckers Restaurants, LLC***

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the ***Plaintiff Luby's Fuddruckers Restaurants, LLC's Request for Ruling on Motion to Remand*** has been served on all counsel electronically through the Court's ECF noticing system on this the 20th day of February, 2018.

/s/ David E. Wynne

David E. Wynne